

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-091229

02/10/2003

THE HONORABLE JOHN M. GAYLORD

CLERK OF THE COURT
L. Gonzales
Deputy

FILED: 02/13/2003

STATE OF ARIZONA

LAWRENCE M CUTLER

v.

CLYDE A HANEY (B)

STEPHEN M JOHNSON
MICHAEL A BREEZE

COURT ADMIN-SE
VICTIM SERVICES DIV-CA-SE

TRIAL MINUTE ENTRY
DAY 2

10:59 a.m.

State's Attorney:	Lawrence M. Cutler
Defendant's Attorney:	Stephen M. Johnson/Michael A. Breeze
Defendant:	Present
Court Reporter:	Blanche Paulsen

Trial to Jury continues from February 6, 2003.

The jury is not present.

Voluntariness Hearing:

Lance Gilchrist is sworn and testifies.

The victim in this matter remains in the courtroom.

Witness makes an in court identification of Defendant.

Witness is excused.

Jacob Doyle is sworn and testifies.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-091229

02/10/2003

Witness makes an in court identification of Defendant.

Richard Morris is sworn and testifies.

Witness makes an in court identification of Defendant.

Both sides rest with regard to the Vountariness issue.

The Court findings are as stated on the record.

11:29 a.m. The jury is now present.

Opening statements by respective counsel.

State's case:

David Parra is sworn and testifies.

State's Exhibit 1 through and including 3 are marked for identification.

State's Exhibit 4 is marked for identification.

Witness makes an in court identification of Defendant.

State's Exhibits 1 and 2 are received in evidence.

12:55 p.m. Court stands at recess.

State's Exhibits 5 through and including 13 are marked for identification.

2:00 p.m. Court reconvenes with respective counsel and Defendant present.

Court reporter: Blanche Paulsen

The jury is now present.

Counsel for Defendant moves for mistrial.

Argument is presented.

Counsel for Defendant moves for leave to file Motion to Dismiss.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-091229

02/10/2003

IT IS ORDERED granting Defendant's Motion for Mistrial.

IT IS ORDERED setting oral argument on Defendant's Motion to Modify Release Conditions on February 20, 2003 at 8:30 a.m. before Judge Gaylord.

Counsel for State to file written Response to Motion to Modify and counsel for Defendant may file its reply.

Firm Trial Date in this matter to be established on February 20, 2003.

NEW LAST DAY: April 16, 2003

2:31 p.m. The jury is now present.

Motion for Mistrial having been granted, the jury is excused from further consideration of this matter.

Pursuant to the ruling re: mistrial, and there being no further need to retain the exhibits offered AND not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits offered AND not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form

FILED: Trial/Hearing Worksheet; Exhibit Worksheet

2:35 p.m. Court stands at recess.